

REMARKS

INTRODUCTION

In the Office Action, the Examiner notes that claims 11, 13, 15, and 17 are pending in the application, and that claims 11, 13, 15, and 17 are rejected. By this Amendment, no claim has been added, claims 11, 13, and 17 have been amended, and no claims have been canceled. It is believed that no new matter has been entered by way of the amended claims. Basis for the amendments can be found, for example, at page 16, lines 19 – page 17, line 1, element 530 in FIGS. 5A and 5B, and element 940 in FIG. 9B. Thus, claims 11, 13, 15, and 17 are now pending in the application.

REJECTIONS UNDER 35 U.S.C 103(a)

Claims 11-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,495,105 to Nishimura et al. in view of U.S. Patent No. 6,585,939 to Dapprich.

Amended independent claims 11, 13, and 17 define, in combination with the remaining respective recitations, “a silica window embedded in said light input part and directing the input light to travel in said second direction through a specific portion of said fluid pathway.”

Applicants determined that an optical device such as a lens at any distance from flowcell causes an undesirable amount of light dispersion. Scattering light, of course, has little or no optical separation or trapping ability. So, a benefit of the recited feature is illustrated, for example, in Figures 9a and 9b and explained at page 21, line 16 – page 22, line 3 with reference to. Figures 9a and 9b show beam distortion with and without the recited silica window. Reduced beam distortion with the embedded silica window enhances the optical trapping capability of the instant invention.

Inventors: Hart et al.
Application Serial No.: 10/673,351

PATENT APPLICATION
Attorney Docket No.: NC 84,517

It is respectfully submitted that neither Nishimura et al. nor Daprich makes any mention of such a feature, let alone such a feature in combination with the other recited features of the instant invention.

According it is respectfully submitted that the rejection of claims 11, 13, 15, and 17 under 35 U.S.C. 103(a) as being unpatentable over Nishimura et al. in view of Daprich has been overcome. Reconsideration of the rejections and withdrawal thereof are respectfully requested.

Inventors: Hart et al.
Application Serial No.: 10/673,351

PATENT APPLICATION
Attorney Docket No.: NC 84,517

CONCLUSION

In view of the present Amendment, therefore, it is believed that this application has been placed in condition for allowance. Allowance is accordingly respectfully requested.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment to deposit account no. 50-0281.

In the event that an extension of time is required or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to deposit account no. 50-0281.

Respectfully submitted,



Suresh Koshy
Reg. No. 42,761
Attorney for Applicants

9 December 2008

Naval Research Laboratory
Code 1008.2
4555 Overlook Avenue, SW
Washington, DC 20375-5325

202-767-0302